THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NO.19920 OF 2007

Date: 1.10.2007

Between:

Smt. Meherunnisa. … Petitioner

And

The Commissioner of Police,
Hyderabad and two others. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Smt. Meherunnisa Wife of Mohd. Abdul Habeeb, resident of Mehdipatnam, Hyderabad has filed this writ petition for issuance of writ of habeas corpus directing the respondents to produce her husband alleged to have been illegally detained by unknown persons in violation of the mandatory provisions of Article 21 of the Constitution of India.

In the affidavit filed support of the Writ Petition, the petitioner has only asserted that after herself and her husband have come down from Umrah on 31.8.2007, her husband lived with her till 10.9.2007, that her husband left the house to purchase household articles on 10.9.2007 and since then he did not return. She was under the impression that since her husband was working as Personal Assistant to Sri Anjan Kumar Yadav, Member of Parliament, he went along with him, but later she received telephone calls from various mobile numbers on 17.9.2007 threatening that she should not make any enquiries about her husband and she should forget about her husband and that herself and her husband will be killed if a complaint is made to the police. It is further averred that since her husband is a wealthy person, some unknown persons might have wrongfully confined him for illegal gain and he apprehends danger to his life.

Heard the learned counsel for the petitioner and the learned counsel appearing for the learned Advocate General.

In the affidavit filed in support of the writ petition, the petitioner nowhere stated that she lodged a complaint with the police stating that

some unknown persons have detained her husband and that the police have not taken any action on her complaint. In view of the same, the petitioner is at liberty to lodge a complaint with the police or it is open to her to submit the very same affidavit filed in support of the writ petition itself as a complaint to the police, and, in case, the same is presented by the petitioner, the police shall treat it as a complaint, register and investigate into the same in accordance with law.

With the above observations, the writ petition is dismissed.

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A. GOPAL REDDY, J

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1st October, 2007 **P. SWAROOP REDDY, J**

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